IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

Bail Appl..No. 4942 of 2007(M)

CP.100/2007 of J.M.F.C.,NEDUMKANDOM
CR.NO.8/06 OF KATTAPPANA EXCISE RANGE

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: PETITIONER/ACCUSED

MANOJ, S/O.CHELLAPPAN,
MATTATHIL HOUSE, ANAKKARA KARA,
ANAKKARA VILLAGE,
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

BY ADV. SRI.PAULY MATHEW MURICKEN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR,HIGH COURT OF KERLA,ERNAKULAM,
REPRESENTING THE EXCISE INSPECTOR,KATTAPPANA
EXCISE RANGE.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4942 of 2007

Dated this the 14th day of August, 2007

ORDER

Application for anticipatory bail. The petitioner was allegedly found to be in possession of 4 litres of arrack. Investigation is complete. Final report has already been filed. The petitioner has not been arrested. A warrant of arrest issued by the committal court/learned Magistrate is chasing him.

2. According to the petitioner, he is absolutely innocent. His absence was not wilful. He is willing to surrender before the learned Magistrate and seek regular bail. He apprehends that his application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that anticipatory bail may be granted to the petitioner.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have

already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This application for bail is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-